

CITY OF HUDSON  
BOARD OF BUILDING & ZONING APPEALS  
TUESDAY, AUGUST 19, 2014  
CITY HALL COUNCIL CHAMBERS  
505 THIRD STREET  
6:30 P.M.

1. Discussion And Possible Action On  
May 20, 2014 meeting minutes

Documents: [MINUTES 5-20-14.PDF](#)

2. Public Hearing With Discussion And Possible Action  
on variance application from St. Croix Marina, 16 First Street, requesting variances for setbacks from Wisconsin Administrative Code NR 118.06(1)(e)1. Ordinary high water mark setback and NR 118.06(1)(f)1. Bluffline setback to construct a patio/pavers, sitting wall, path lights, and fireplace/fire pit on a portion of the marina property commonly referred to as "The Point" in an I-1, Light Industrial District, Appeal No. 230 (postponed on 5-20-14/revised application submitted 7-17-14)

Documents: [BA APP NO 230 8-19-14.PDF](#)

3. Public Hearing With Discussion And Possible Action  
on application from Timothy & Betty Caruso/Jennifer O'Neill requesting setback variances from Municipal Code § 255-25 - Dimensional Requirements for side yard setback; Municipal Code § 255-18 St. Croix River Wild and Scenic Riverway and Shoreland Protection Overlay District in reference to Wisconsin Administrative Code NR 118.06(1)(e)1. Ordinary high water mark setback, NR 118.06(1)(f)1. Bluffline setback and NR 118.06(5) Slope preservation zone standards for renovation on an existing building at 811 First Street and construction of another building to the south and parking area in an OFC, Office District, Appeal No. 231 (postponed on 5-20-14/rescheduled from 7-10-14)

Documents: [BA APP NO 231 ADDL INFO.PDF](#)

4. Adjourn And Reconvene Meeting At  
811 First Street for a site inspection
5. Adjourn And Reconvene Meeting At City Hall  
for discussion and possible action on the request for variances for 811 First Street
6. Other Business For Information Purposes Only Or For Upcoming Agenda

David Gray  
Bldg Insp/Asst Zoning Insp

Posted in lobbies and e-mailed to *Star-Observer* - 8/8/14

Notice is hereby given that a majority of the City Council may be present at the aforementioned meeting of the Board of Appeals to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 N. W. 2d 408 (1993), and must be noticed as such, although the Council will not take any formal action at this meeting.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
MAY 20, 2014**

**D R A F T 6-12-14**

MEMBERS PRESENT: Conard, Senkus, Potter, Neset and Pratt

MEMBERS ABSENT: None

OTHERS PRESENT: Larry Dunn, Wendy Dunn, Jennifer O'Neill, Roger Humphrey, Mike Hoefler, Jim Zeller, James & Charlene Ebben, Marc Putman, Tom McCormick, Dan Czuprynski, Jeff Holmes, Bob Carlson, Steve Dockery, Tim and Betty Caruso, Denny Darnold, David Gray and Elizabeth Moline

Chairman Neset called the meeting to order at 6:30 p.m.

MINUTES. Motion by Conard, second by Neset to approve the minutes of the September 30, 2013 meeting. **MOTION CARRIED, 5-0.**

Elizabeth Moline, Secretary, distributed a copy of Section NR 118.01 Purpose, Municipal Code § 255-2. Purpose and a Checklist for Findings and Conclusions. She stated that two of the applications referenced 'Purpose' so the handouts were for easy reference, and the checklist was prepared to assist with the Board's review of the variance requests. The checklist included the standards from Municipal Code § 255-91, E. with further explanation of each item.

David Gray, Building Inspector/Asst Zoning Inspector explained the general protocol for the meeting. He asked that people sign in so that this information is recorded in the minutes. He stated there are three applications (hearings) based upon the date the city received the applications, i.e., Mr. Tom Irwin first, St. Croix Marina second and Pier 800 third, as stated in the agenda. He introduced e-mails received after packets were provided to the Board members to be included in the staff report from Denny Darnold. The applicant will give testimony, then the hearing is open for public comment and close the hearing for deliberation by the board.

Chairman Neset opened the first hearing and noted it was for an application from Thomas R. Irwin, 1321 Boulder Point Drive, requesting variances to the required front yard setback pursuant to Municipal Code Chapter § 255-25, Dimensional Requirements for 609 Knollwood Dr., 613 Knollwood Dr., and 621 Knollwood Dr. in reference to constructing new single-family residences. The properties are zoned R-1, One-Family Residential District and are legally described as Lots 10, 11, and 13 of Knolls Ridge, City of Hudson, St. Croix Co., WI.

APPEAL NO. 229. Chairman Neset requested the staff report.

Gray stated that there was a letter received from Knollwood Drive residents noting strong opposition regarding the variance requests of Thomas Irwin, and he read the letter (dated May 6, 2014 and attached). Darnold stated the zoning classification is R-1, One-Family Residential, and the front yard setback is 30 feet. The request for variances is to reduce to 25 feet for the front yard setback being a five (5) foot variance within the Knollwood Drive development for three lots. The lots have steep grades on the south one-half of the lots which

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS**  
**PUBLIC HEARING & MEETING**  
**MAY 20, 2014**

**DRAFT 6-12-14**

limits construction to an area of approximately 35 feet with the current required setback of 30 feet. The allowance of a variance will allow five (5) additional feet of buildable area and would reduce the amount of disturbance of steep slopes on the southern part of the lots.

Tom Irwin thanked the Board for taking the time to hear his request. He stated he met with staff regarding this request and went over the three (3) items included in his packet. He referenced the photos in his packet (Exhibits 2 and 3) and noted that as you enter the development (from Ninth Street) that the first two lots (south side of Knollwood Drive) are 25 feet setbacks, and these lots are adjoining those that he is requesting 25 feet. He demonstrated approximately five (5) feet distance from the edge of the podium area.

He further stated that a larger retaining wall than the existing one (Lot 12, 617 Knollwood Drive) would be required and is an unnecessary cost which is an unnecessary hardship. The unique property limitations are the steep slopes as shown on the diagram (Exhibit 1) and photo (Exhibit 3), the adjoining lots having 25 feet setbacks and are not built on yet. The public interest is protected as you reduce the amount of slope to be disturbed with less erosion control required and enhances from potential hazards and is better looking without retaining walls.

Pratt questioned why a house couldn't be designed without a change in setback. Irwin referenced Exhibit 1 showing the 25 foot setback and the 30 foot setback and the 35 foot footprint without disturbing the hill. Pratt asked if retaining walls would be built if there was a 25 foot setback. Irwin responded that the goal is to not have to construct a retaining wall.

Conard and Neset noted lots with 25 foot setback and there being a reason to change to 30 feet. Darnold stated that prior to 1993 the setback was 25 feet. The Zoning Code was amended and changed to 30 feet. Three years later when trying to require 30 feet in older parts of town, the code was amended to go to 25 feet within the older neighborhoods.

Dan Czuprynski, 616 Knollwood Drive, stated he has conflicted feelings. He knows Irwin as a responsible property owner and is probably better than a lot of others. When Irwin originally approached him, he did not oppose his request; but he misunderstood as he thought they would be further back. Lot 12 (617 Knollwood Drive) is right across the street, put in retaining wall, moved in with expecting that the look and feel would be maintained. The original developer went bankrupt and Irwin bought the lots, and he respects that. Upon review, he notes uniform looking curb appeal, nice street, nice neighbors, and adhere to zoning laws that were put in place at the time. Anthony (Aderhold, 605 Knollwood Drive) put the letter together but couldn't make the meeting so that is why he is here.

Irwin stated that he knows these folks and didn't realize they didn't understand; not talking about a whole lot – not major difference. The two first lots are 25 feet like the jogs that exist but could do smaller retaining walls.

Senkus asked for clarification of the width, and Irwin responded 105 feet. Gray noted that side yard setbacks are 10 feet.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS**  
**PUBLIC HEARING & MEETING**  
**MAY 20, 2014**

**D R A F T 6-12-14**

Motion by Potter, second by Conard to close the hearing. **MOTION CARRIED, 5-0.**

Potter noted that lots 15 and 14 are 25 feet, and lot 12 is 30 feet; and Chairman Neset said correct with lots 15 and 14 being smaller lots. Chairman Neset stated there are the three criteria that need to be addressed.

Conard stated that lot 12 is already built on with 30 foot setback, and the three lots all look similar to him with lot 10 being slightly smaller. Chairman Neset noted that her site visit of lot 10 showed that it doesn't have as big a slope issue as the other two; all have slope issues from the cemetery.

Potter noted with the two existing lots with 25 feet, one lot with 30 feet, one existing lot with 30 feet and two lots with 25 feet why it would change site lines and affect traffic and speed; and she noted that it appeared the rest of the lots were built on. Gray noted that all are built on except one on the north, and lots 16 and 17 were preexisting but are set back 30 feet with walkout slopes. Pratt noted that he does not see how 35 feet (buildable area) is a constraint when the lots are 107 feet wide. It was noted that lot 10 has 75 feet as straight line with the balance as curve. Pratt noted he had trouble with hardship. Senkus stated she has trouble finding a hardship looking at the lots and width and working with 35 feet depth – plenty of space; 87 foot width with the 10 foot side yard setbacks is a sizable house including a garage without requiring a variance.

Conard stated he has a concern in regard to the public protection criteria to change to the 25 feet with the existing residence at 30 feet, and the lots have width. Gray noted that a wider house will be different, and Pratt commented that the existing is pretty wide. Chairman Neset stated we have to look at the neighbors and how they feel and look at it from a broader scale – building a wider house wouldn't make much difference. Potter noted that the property owner might not build at the 25 foot setback if the variance is granted. Conard stated that you can use the 35 feet and do a retaining wall as it has been done. Gray noted that the lot was configured for a tuck-under garage.

Conard questioned what hadn't been reviewed, and Chairman Neset noted the unique property limitations. Conard noted that the lots look similar, slopes similar; don't see them as unique. Potter noted that lots haven't changed since platted. Gray and Darnold noted that utilities and street were constructed upon approval of the preliminary plat (by the plan commission); and the final plat is brought back and is approved by the plan commission and common council, so improvements were in place.

Conard commented that he would look at this in a different way if 617 Knollwood Drive wasn't already constructed on, and Potter agreed. Conard asked if the review checklist had to be filled out, and Moline responded that this was prepared to be used as reference to assist with addressing the standards. Potter stated she was struggling with hardship and not seeing an issue to prevent development. Chairman Neset stated she did not see unique characteristics. Senkus stated that one lot has been built on without needing a variance.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
MAY 20, 2014**

**D R A F T 6-12-14**

Motion by Conard, second by Pratt to deny the variance requests (front yard setback from 30 feet to 25 feet) for 609 Knollwood Drive (lot 10), 613 Knollwood Drive (lot 11) and 621 Knollwood Drive (lot 13) as the three statutory requirements cannot be supported as there is no unnecessary hardship, don't see any unique property limitations and protection of the public interest is not maintained because of the impact on the neighbors. **MOTION CARRIED, 5-0.**

Chairman Neset opened the second hearing and noted it was for an application from St. Croix Marina, 16 First Street, requesting variances to the required setbacks pursuant to Wisconsin Administrative Code NR 118.06(1)(e)1. Ordinary high water mark setback and NR 118.06(1)(f)1. Bluffline setback in reference to constructing a pavilion on a portion of the marina property commonly referred as the "The Point." The area is generally located west of STH 35 (Second Street), north of I-94, and south of Buckeye Street. The property is zoned I-1, Light Industrial District. The property is legally described as St. Croix Marina Condominiums, Document #375098, Volume 1, Page 6 and Amended and Restated Declarations, Document #375067, Volume 639, Pages 501-519 and as further amended, City of Hudson, St. Croix County, WI.

APPEAL NO. 230. Chairman Neset requested the staff report.

Gray stated an e-mail (dated May 16, 2014 and attached) was received after the packets were provided to the Board from Michael Wenholz, Department of Natural Resources (DNR); and he read the portion pertaining to the St. Croix Marina application.

Darnold stated St. Croix Marina is requesting variances from the (St. Croix National Scenic Riverway) setback of 100 feet from the ordinary high water mark (OHWM) to zero (0) feet and setback of 40 feet from slopes of 12% or greater to construct a pavilion on what is referred to as "The Point" which is a peninsula with grass area, fire pit, seeding and covers the entire point at the marina site. The DNR didn't think the setback from the bluffline was applicable, but Darnold disagreed because of the slopes greater than 12%. The Marina proposes an open air structure with a roof at a height of 18 feet, set on paved area, a seating area and a fire pit. The code changed about eight years ago that included flat pavers to be considered as structures. Darnold stated he had met with Mr. Wenholz to review the application.

Pratt commented that the DNR suggested that options exist and asked if these were discussed. Darnold responded that some items were discussed during their dialog as to what kind of improvements could be made that would be non-structural. The existing fire pit with surface such as pea gravel or permeable material would be allowed, but there was a strong objection to the pavilion itself.

Senkus questioned the recognition of permeable materials as there may be some sort of hard surface that is also permeable. Darnold responded that the DNR did not offer that consideration.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS**  
**PUBLIC HEARING & MEETING**  
**MAY 20, 2014**

**DRAFT 6-12-14**

Bob Carlson, 1704 Laurel Avenue, President of the Board of Directors for the Marina, stated he was present in behalf of Ron Jansen, another director that is in California. He stated that the Marina is different; it is not a single family development. It is 300 houses called slips with 300 owners and roughly 600 individuals involved. They entered into this process about two years ago as the area is useless. It is a grassy area that is hard to care for and is unsightly. Of the 300 users, about 54% are renters; and additionally, they rent sites for overnight visitors with lots of people coming in from families during the summer.

He gave a brief history and purpose being that the area was built in the 1900's as a lumber mill pond. All of the property is in the designated floodplain. Sometime in the 1970's there was a bunch of concrete that was taken up in the city (possibly Second Street) and was put on the point area. In 1994-95, the shoreline area was improved. In 1981 the St. Croix Marina Condominium was established and legally became real property and has been taxed that way. The Marina is the basis for taxes. During the 1990's they demolished all the older buildings including two houses and put in two new structures. They installed a removable structure at the south end, and in the 2000's they improved the flotation deck, electricity and deck surfaces of all six docks. They did the work on their own with their own capital without variances and so forth and have a history of upgrading the property for all. They also provide good will for law enforcement, EMTs, WI DNR, and St. Croix County Sheriff at their own expense. The local sailing club uses the clubhouse facilities. The clubhouse is reserved about 100 times per year for scout meetings and the like; boater safety courses two times a year. They entered the process knowing they would have some difficulties; however, they are at a real disadvantage as they have not talked to the people at the DNR.

He further stated that when you refer to hardship, there are elderly that stay on site and use the facilities and would appreciate shade and some protection from weather. He noted that contractors have given them some bids.

As to hardship, this is the only place to do this, and everything is in the floodplain. He again stated that they haven't had an opportunity to talk to the DNR and asked if the matter can be tabled. Potter asked if he was requesting that, and he responded yes or at least some direction. Darnold suggested a postponement to allow him and the Marina to talk with the DNR as their comments came in Friday. The gentleman (Mr. Wenzholz) was out of town and unable to attend tonight's meeting. Darnold commented also the Board should consider looking at the purpose of the Riverway and Municipal Code as conflict to the purpose is a concern. The formal request is up to the Board.

Larry Dunn, 707 Lund Street N, stated he was concerned about cutting out the view. He has a picture from people that used to own the marina in 1971 that showed the area was industrial and looked like h\_\_\_\_. He has been here 35 years, been in marina for 18 years; and quite frankly, it was a mess. He thinks it is freeway and bridge riprap. He doesn't want a 24 foot roof right in his side yard, have an existing fire pit there now, elderly are moved up and down ramps.

Carlson commented that they want to improve the view for people on the river and would be a nice addition.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
MAY 20, 2014**

**DRAFT 6-12-14**

Jim McCormick, slip owner in Dock D with Larry (Dunn) in Dock E and treasurer for the Marina, stated the Marina has had about \$18,000 net income left in the last five years – add depreciation, and they have lost a considerable amount of money. They have \$1.4 million revenue, employ 18 people and have long standing facilities as Hudson businesses. More than half of the slips are rented that maintain the quality of the facilities that they are part of, and it is necessary to keep up the area. The e-mail from the DNR received last Friday is a determination for the future and cannot do minor improvements; can't compete with competitors. Bayport spent \$2.4 million to upgrade. There has been no discussion, and the DNR answer is to throw some pebbles out there. If variance is denied, they start over; and there is nothing more to discuss. Minnesota has some of the same issues. Some zoning boards are granting the variances, and the DNR will appeal so dialog can be done. DNR does not have carte blanche. Last year was their lowest year of income and can't ignore their facilities and compete.

Potter asked what the height was, and the response was 15 feet. She commented that this would cut into the sight line, and Carlson responded that it is basically an open air facility like an umbrella.

Pratt asked about the wildlife, and the response was plenty of geese. Conard asked about deterioration from flooding. Carlson stated it has been flooded about six times in recent years. The structure will be built to resist flooding as much as possible with anchors to hold it in place because of wind also. McCormick stated pavers are an advantage for flooding purposes as pea gravel would wash away. Pratt asked if pavers would be for the floor of the pavilion, and the response was yes and the area around it for about 1600 sq. ft.

Motion by Potter, second by Senkus to close the hearing. **MOTION CARRIED.** 8:48 p.m.

Conard stated he would like to see dialog go on. He is conflicted but would like to move ahead noting the DNR and Marina people should talk. Pratt asked how we force them to the table. McCormick suggested the Board approve and force the DNR to appeal. Darnold stated that based on the criteria, if an appeal of a decision is made, the issue goes to circuit court. He suggested the Board consider postponement and allow deliberation between the DNR and Marina.

Motion by Potter, second by Pratt that based on the applicant's request to postpone the request for variances to provide time for the DNR, Marina and City to review. **MOTION CARRIED.** 5-0

Carlson asked if they had to reapply; and Darnold responded a meeting would be set after further review, and the five members here would have to be present.

Chairman Neset opened the third hearing and noted it was for an application from Timothy & Betty Caruso/Jennifer O requesting variances to the side yard setback pursuant to Municipal Code Chapter § 255-25, Dimensional Requirements for OFC, Office District; Municipal Code Chapter § 255-34 A.(4) Landscape Requirements; Municipal Code Chapter §

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
MAY 20, 2014**

**DRAFT 6-12-14**

255-18 St. Croix River Wild and Scenic Riverway and Shoreland Protection Overlay District in reference to Wisconsin Administrative Code NR 118.06 (1)(e)1. Ordinary high water mark setback, NR 118.06(1)(f)1. Bluffline setback and NR 118.06(5) Slope preservation zone standards in reference to renovation of an existing building at 811 First Street and constructing another building to the south and parking area. The property is zoned OFC, Office District and is generally located at First and Elm Streets west of First Street (commonly known as the former Nor-Lake warehouse facility). The property is legally described as part of Sections 24 and 25, T29N, R20W being part of Lots 1, 2, 3, 4 and 5, Block 7, of Daniel M Addition; part of Lot 1, Block 8 of Buena Vista Addition; part of vacated Elm Street west of First Street, City of Hudson, St. Croix County, WI.

APPEAL NO. 231. Chairman Naset requested the staff report.

Gray referenced the e-mail (dated May 16, 2014 and attached) from Michael Wenholz, Department of Natural Resources (DNR); and he read the portion pertaining to the Caruso/O'Neill application.

Darnold stated the application from Timothy and Betty Caruso/Jennifer O'Neill requests five (5) considerations:

- 1) side yard for south building from 20 feet to 10 feet being a 10 foot variance
- 2) parking lot setbacks from the south and west property lines from 10 feet to 4 feet (being 6 foot variances)
- 3) bluffline setback in the area south of Elm Street and along the west property line for proposed parking from 40 feet to zero (0) being a 40 foot variance
- 4) Ordinary high water mark setback from 100 feet to 65 feet (at the nearest point to west property line) being a 35 foot variance
- 5) slope preservation areas in the south area at two locations where the parking lot is proposed.

Darnold stated that during his discussion with the DNR, he noted that this a disturbed site because of the former railroad, driveways, pathway improvements and over time changes made by development. The current property owners did not create the conditions that now exist. In consideration of the Riverway regulations, look at 'Purpose' in Chapter NR 118; and he read NR 118.01. He noted that the area is connected to the public sanitary sewer system.

Chairman Naset questioned where the west property line was, and Darnold responded just east of the trail about 10 feet. He further stated that the southwest portion of the trail encroaches on private property, and it is the intent of the parks department to move it.

Conard asked if the issues were discussed with the DNR, and Darnold responded yes. He stated that he thinks this area has been disturbed with manmade slopes and small in area with different developments over the years, but the DNR does not agree. He is not speaking for the DNR but noted they question if the area is natural or has been disturbed.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS**  
**PUBLIC HEARING & MEETING**  
**MAY 20, 2014**

**D R A F T 6-12-14**

Roger Humphrey, Humphrey Engineering said he has been President of Humphrey Engineering for 17 years and practiced for 28 years with licenses for professional engineering and land surveying. He introduced Mike Hoefler, HAF Group as the project architect and Marc Putman, Putman Planning & Design.

Mike Hoefler, HAF Group noted that he is representing Jenny O'Neill, O'Neill Law firm and their move to main street (First Street). He referenced the site plan. He looked at the overall scale of the area, what repair work could be done, the size and what it could be used for; and office seems the best. The development team moved forward. The property has been rezoned. They looked at being proportionate in the size of buildings with the neighbors. They propose taking an area out of the center of the existing building to allow access off the main street (First Street) and connection to the parking lot (about 2,000 sq. ft.) and will look like two smaller buildings, more scaled to the neighborhood. The current loading dock area is about four feet above the parking lot, and stairs will be constructed by First Street. The south building will also have access come off of the parking lot as the clientele requires more accessibility.

Class A buildings are proposed with plaster, stucco, generous amounts of glass with two towers that designate the entrances to the buildings. The building on the north will be 9,000 sq. ft., and the south building will be 5,800 sq. ft. – not too large.

Neset asked if they are using the exact footprint of the (former) Nor-Lake building, and Mike responded yes but will be cutting out the center area. Potter asked about the height, and Mike responded about the same – 35 feet including the towers with the tower about 6 feet. Potter asked if the view from across the street was considered; and Mike responded there is nothing across from the south building, but some views will be reduced.

Humphrey referred to the large size board on display of page C2.2 of the proposed plans. He noted the parking lot further to the east; storm water management with roof drains, rain gardens and subsurface chambers below paved surface and into water; (existing) storm sewers on north and south areas.

Marc Putman, Putman Planning and Design distributed three documents (The Pier 800 Site: Past to Present, 4 pages 11 x 17; colored aerial view, 1 page 11 x 17 and enlarged diagram of the southwest corner of the site with red markings noting changes, 1 page 11 x 17). Putman stated they took the site plan and showed the accumulated history of the site over 100 years with the railroad being there before 1900. The railroad was the first disturbance done with horses and boxes to fill to the river side created from cuts for the railroad. He noted 1938 photo with Building 1 with the road around it being the existing trail and the 1957 photo with Building 1 and Building 2. He does not have any photos from the 1890s, but railroad lines were shown on 1939 documents. Since that time, slopes were created, areas disturbed and multiple changes made. NR 118 was created in 1980 to protect the natural beauty and improve whole circumstances with the best management practices which is getting to some of the critique of the DNR.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS**  
**PUBLIC HEARING & MEETING**  
**MAY 20, 2014**

**DRAFT 6-12-14**

Humphrey stated that NR 118 designates river town zones; and they are Osceola, Prescott, St. Croix Falls and Hudson. This is unique property within a river town district – not same; Hudson stands out from the rest. The population review of the river town districts shows 59% of the total density is Hudson – much more urban; shoreline aspects are entirely different; Osceola – it’s way above the water.

Putman confirmed that there is a difference. The second unique property limitation is the umbrella of the entire ordinance – why pick out only four communities to have something other than the rest.

Putman continued that with everything taken into consideration as to whether variances should be granted, they have provided information for the three key elements – unnecessary hardship, unique property limitations and protection of the public interest. Literal enforcement of the code is why standards should not apply to provide a positive balance to the full array of all elements. They seek minimal relief for the variances; have done their best for parking and grading with the site; rigid rules; naturally occurring conditions that are not of their doing or the present owners. He reviewed the Owner Responses to DNR Opinions as noted on the handout with additional comments that it is unnecessarily burdensome; disturbed railroad ties; well used site; it is not a self-serving event; revisit the purpose of NR 118 to reduce the adverse effects and look at what they are trying to do. They just received the DNR information recently but have tried to respond to the DNR observations in a positive way.

Humphrey stated there have been cuts, filling, full land disturbance prior to the creation of NR 118. The DNR referenced the rezoning, but there is no reasonable use possible without a variance. Financial basis is not being used as a hardship; it is the intent to maintain property values. The DNR said it is not unique, and he referenced the aerial photo showing size, slope, location, uses north and south of the property, railroad bed, area down to the river and sits within river town zone. He referenced page 2 of the handout pointing out the slope preservation zones that are like measles and stated the sq. ft. of each with the total being less than 9,000 sq. ft. He pointed out areas with 12% slope more than 25 feet in length but less than 50 feet with the orange/red being more than 50 feet. Anything next to the building is manmade and referenced the photos on page 3 of the handout. There is concrete debris and poor soil conditions. As noted on page 3, the absence of variances denies any reasonable permitted use of the property.

Putman referred to the Owner Responses to the DNR and observations. He noted the Mitigating Revision Options. He clarified that this is all one project and not two. He noted the southwest corner plan amendment (small diagram on lower right corner of page 3 of the handout and the one page, 11 x 17 enlargement) compared with page C2.2 (page 4 of the handout). He pointed out the existing terraced area referenced; the American Disabilities Act (ADA) requirements to get to the building; the removal of parking stalls and that the Riverway Ordinance does require reasonable accommodation of disabled persons; much focus on the buildings and their improvements; view from the centerline of the channel being approximately 3,013 feet with islands and tress in the way – tough to see building; not disturbing trees that shield area and not opposed to replanting trees and offer of public use of

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
MAY 20, 2014**

**D R A F T 6-12-14**

the parking lot.

Conard asked if the existing trail would still have to be moved with the mitigating action. Humphrey noted property line and noted that there are possible changes that could be done.

Pratt asked about the parking availability for the proposed occupancy. Darnold stated that off-street parking is based on net usable area of the building(s); so if you take out hallways, bathrooms, mechanical rooms, etc., 67 stalls would be required with 71 being proposed including the four being proposed for removal. The north building is open tenant space so used the entire area with the maximum of 67 – could be less.

Chairman Neset inquired about the parking lot setback. Darnold responded that the parking setback is 10 feet from the property line, and the proposal varies with the request for variance being the least amount. Conard asked if this has been before the park board and/or plan commission, and Darnold responded no. Darnold noted that adjustments need to be made and/or variances granted so there is a ‘clean plan’ for review purposes.

Steve Dockery, 927 Second Street uses Orange Street to get to the river. He stated the city did not want vehicles down there and driving up. The area was for bikes, canoes, kayaks; and about two years ago, the boat docks were to be taken out. The city is known for its beauty and trail like settings as noted on travelwisconsin.com. How can we have an entire city block of parking; not a lawyer – they raped the land earlier with law put in effect to prevent what was done in the past. Three houses look at green pasture to river, and how does it increase value to go from a park like setting to a parking lot – would not be able to see my house with advertising for parking lot – uniqueness because it is a river town – ordinance put in because it is unique being one of four in state, but they want to change to a parking lot view – agree that something needs to be done – Nor-Lake is an eyesore because of setup and ordinance it is hard to do anything with it – go back to 1938 or think of a better plan so we do not have a parking lot for 67 cars leaking oil, various fluids, conduit out to the river to 60-100 feet away – don’t swim in middle of river; swim a block away at beach; can’t swim with car fluids – do we want this? – storm sewer at Orange and Myrtle with river flowing south – eyesore and try to improve community but do not want to risk my children to provide a parking lot.

Betty Caruso, 1128 Third Street, stated they have owned the property for about 10 years and one of the three houses he (Dockery) is talking about. She has mixed feelings about the site, but the last 3 years they have put in about \$10,000 for tilling, spraying weed killer, seeded and watered and are still battling it. Drainage, infiltration comes off the city streets and will be improved with the development. Would like to do condos but don’t want to look like Stillwater; not building in front of houses; will address lighting; it is exciting; it is a good transition for the neighborhood and will benefit the area.

Humphrey stated the parking lot will have an entrance to Orange Street with curb and gutter, surmountable in the middle, and gate for fire code. There will be a storm sewer device and/or infiltration system to hold the water before being infiltrated or discharged to the river.

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
MAY 20, 2014**

**D R A F T 6-12-14**

Jennifer O'Neill, attorney here in Hudson and lives in River Falls stated many of her clients are disabled/elderly. She stated the area she has now is too small; and when driving past this site, she saw a beautiful space for clients and staff. She has a love for the community and natural resources, and it will not be a big/ugly parking lot but a beautiful usable space.

Pratt questioned what could be done about the parking lot in terms of view such as landscaping the property to alleviate that concern. Putman responded that additional shrubs are possible, could plant materials that grow fast; not normal to see vegetation in a parking lot; downtown guidelines include issue regarding parking lots such as dividing with landscape islands and noted subsurface treatment system for best management practice; can do screening.

Motion by Potter, second by Senkus to close the hearing. **MOTION CARRIED.** 9:08 p.m.

Potter stated we received an enormous amount of information and presented additional information tonight. It is a huge change and impact to the neighborhood, and we know what the neighbors think. Pratt stated that knowing what he knows now he would like to go back to the site again possibly with a guide. Chairman Neset and Potter agreed. Conard asked if we had talked to the DNR, and Darnold responded he had met with Mr. Wenzholz last Friday. Conard asked if something could happen there; and Darnold responded yes being similar to the previous application.

Pratt stated that the application builds a good case. Darnold referenced the purpose as per NR 118 and city code and if there are unique considerations or are within the scope of NR 118. There was only one public comment for the rezoning in regard as to whether they are going to provide enough parking because they don't want to see the street used for parking. There have been no prior public comments other than one gentleman that came in to review the proposal. Darnold stated the Board can act on all or part tonight; it is up to the Board. The DNR representative is not available this week, but Darnold could contact him on Monday.

Conard stated he would like to see a meeting with the DNR to alleviate legal action. He would like to postpone to have more time to digest, have mediation and to view site; and Potter agreed. Darnold stated that we would need to post and conduct any site visit as a meeting with a minimum of 24 hours notice.

Motion by Conard, second by Potter to postpone to provide more time to review with a site visit with Darnold and applicant to meet with the DNR. **MOTION CARRIED.**

OTHER BUSINESS FOR INFORMATION PURPOSES ONLY OR FOR UPCOMING AGENDAS. Nothing else.

Motion by Potter, second by Conard to adjourn. **MOTION CARRIED.** 9:17 p.m.

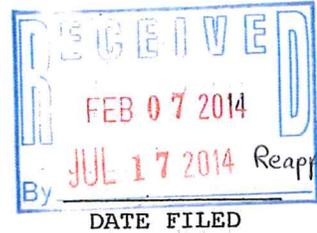
Respectfully submitted, Elizabeth Moline, Secretary

CITY OF HUDSON



ZONING & BUILDING BOARD OF APPEALS

APPLICATION



Reapplication

APPEAL NO. 230

NAME OF APPLICANT(S) ST. CROIX MARINA

HOME ADDRESS 16 <sup>FIRST</sup> SOUTH FRONT ST  
HUDSON, WI 54016

DAYTIME PHONE (715) 386-8239 CELL (651) 343-4422

E-MAIL jeff@stcroixmarina.com (JEFF HOLMES - MER)

ADDRESS OF SUBJECT PROPERTY 16 <sup>FIRST</sup> SOUTH FRONT ST.

ZONING OF SUBJECT PROPERTY I-1, LIGHT INDUSTRIAL DISTRICT

REASON FOR THE REQUEST (SEE ATTACHED)

The following are to be included with the application:

- A site plan drawn to scale showing dimensions of the parcel.
- Location of existing and proposed structures with the square footage and distance from the property lines.
- Applicable setbacks.
- Other supporting items may include, but not limited to, pictures, survey, neighbor(s) comments, etc.
- Application fee (nonrefundable) of Class I - \$250 / Class II - \$350 payable to the city of Hudson.

All items submitted become city of Hudson file records.

Pursuant to Wisconsin Statutes and the city of Hudson Municipal Code, the Zoning & Building Board of Appeals has the authority to issue a variance only when the following criteria are met:

- An unnecessary hardship must be present, meaning that literal enforcement of the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- Unique property limitations of the property rather than the circumstances of the property owner must be present.
- The hardship cannot be self-imposed.
- The hardship cannot be based upon financial gain or loss of the property owner.
- Protection of the public interest must be preserved.
- The spirit of the ordinance will be upheld.

CITY OF HUDSON  
ZONING & BUILDING BOARD OF APPEALS APPLICATION

It is the responsibility of the applicant(s) to explain how the three statutory standards will be met (attach additional paper if necessary).

UNNECESSARY HARDSHIP - Explain how literal enforcement of the code would unreasonably prevent you from using your property for your proposed use and why the standards in the code should not apply to your property.

(SEE ATTACHED)

UNIQUE PROPERTY LIMITATION - Describe the unique characteristics of your property with respect to lot size, shape, topography and other physical limitations that make enforcement of the code impractical. Were any of these limitations created by you?

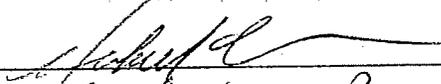
(SEE ATTACHED)

PROTECTION OF THE PUBLIC INTEREST - Explain what impact your project would have on adjacent properties and the general public so that protection of the public interest is maintained.

(SEE ATTACHED)

I (WE) UNDERSTAND CITY STAFF AND/OR BOARD MEMBERS MAY INSPECT THE SITE, AND I (WE) GIVE PERMISSION TO DO SO.

SIGNATURE OF APPLICANT(S)



R.C. Carlson Pres. SCMC

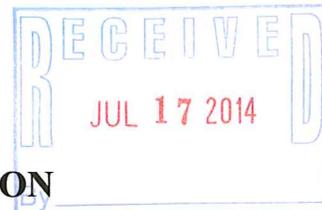
-----OFFICE USE ONLY-----

PARCEL NO. 236-0006-01-000 thru 236-0006-06-060

LEGAL DESCRIPTION OF SUBJECT PROPERTY St Croix Marina Condominiums and as amended - original condominium plat # 375098, Vol 1, Pg 6 and Declarations #375067, Vol 639, Pgs 501-519

CHAPTER AND SECTION VARIANCE IS BEING REQUESTED FROM Wisconsin Administrative Code NR 118.06(1)(e)1. Ordinary high water mark setback + NR 118.06(1)(f)1. Bluffline setback as per Municipal Code Chapter § 255-18

RECEIPT NO./DATE 45003/4-17-14 DATE OF PUBLICATION OF NOTICE(S) 5-1-8-14



## VARIANCE APPLICATION TO THE CITY OF HUDSON

On behalf of  
St. Croix Marina Condominiums, Inc.

### 1. Background and Project Description

St. Croix Marina Condominiums, Inc. owns and operates a marina (NR 30.133) facility (Marina) in the City of Hudson on the St. Croix River. The facility was a lumber mill pond that was converted into a marina in the mid-1900s. In the 1970s the City placed broken asphalt and concrete along the southern side of the marina creating an area for parking and a narrow peninsula on the west side of the Marina often referred to as "the Point." An aerial photo of the property was submitted with the original application.

The Point is a small area approximately 50 feet wide and 60 feet long or 3000 sq.ft. The dirt covering over the broken fill material supports little to no vegetation. It currently has a fire pit and a few picnic tables. However, the use of the area is limited because it is difficult to maintain and clean. There is often a large amount of goose and duck feces rendering the area unusable. In addition, the site has limited accessibility for elderly or handicapped persons from the marina.

The Marina has been in the process of upgrading all of the Marina facilities and is in the process of trying to make the Point more attractive and useable. It is currently proposing add a patio for picnic tables and replace the fire pit. The patio would be an area of about only 1775 sq. ft. of brick pavers and 150 sq. ft of permeable pavers. The fire pit will be redesigned and will be of the same size and basically in the same location of the existing one that is being replaced. A drawing showing the layout of the patio, including the new fire pit, is attached as Exhibit A.

As part of this project, the Marina is also proposing to add vegetation along the shoreline to improve aesthetics and filter runoff from the patio area.

### 2. Requested Variance and Rationale

The City of Hudson incorporates by reference the requirements for shoreland zoning applicable to the St. Croix River contained in Wis. Admin Code ch. NR 118. The code requires a 100 foot setback from the ordinary high water mark for all structures. Under a literal reading of the code, the patio and the fire pit would fall within the definition of structures. The Marina is requesting a variance from these setback requirements for the reasons set forth herein.

#### A. Special Site Conditions

The Point is a partially an artificially created peninsula that is only 50 feet wide. As a result, a literal application of the 100 foot setback requirements would preclude any and

all structures on this land. This is not a case where the setback could be met by moving or redesigning the structures. Absent a variance no structures of any kind would be allowed. It should be noted that no pavilion-like structure is included in this revised application.

### **B. Unreasonable Hardship**

The Marina property has 300 slips that can result in several hundred people in the marina area at any one time. The area around the marina slips is used for parking for cars and trailers and boat storage. The only area that is available for outdoor gatherings and picnics is the Point. There is a high demand for such a space, and the Point has great potential given the views it affords of the Marina and the river.

However, any such use of the Point is effectively precluded if the area cannot be maintained and cleaned. Currently the area is muddy and often covered with bird feces. In addition, the unstable surface makes it difficult for our population of elderly or handicapped individuals. Establishing an attractive patio area would allow for cleaning and maintenance while providing a stable surface for walkers and wheelchairs. In the absence of a variance, there is little if any reasonable use that could be made of the Point.

### **C. Public Interest and Consistency with the Code**

The St. Croix Scenic Riverway code was designed to preserve and maintain the scenic and natural characteristics of the river in addition to limiting poorly planned shoreline development, protecting water quality and maintaining property values. NR 118.01. The requested variance is fully consistent with the Code and the public interest for several reasons.

First, the patio will not be visible from the water and will have no impacts on the aesthetics of the waterway. The replacement of the fire pit will have no greater impact than the current fire pit which has been in existence for decades. Its height of only 18" makes its impact insignificant in any event. The vegetative plantings will shield the fire pit and enhance the natural scenic beauty of the area.

Second, the patio will have no significant impact on water quality. The point is a very narrow peninsula. The patio will incorporate some porous pavers to allow for infiltration of water before entering the river. The proposed vegetative plantings will actually enhance and improve the filtration of any surface runoff.

Third, the patio does not create any problem with shoreline development and in fact will maintain and enhance property values. It will facilitate and encourage access to an open space along the river for the hundreds of temporary and permanent users of the marina.

This is a unique parcel with a unique history. It does not create precedent for other properties in the City.

The marina provides many opportunities and services to the local community. Including providing boats slips....at the Marinas cost....for the Hudson Police Dept., the St.Croix Sheriffs Dept., and the Wisconsin DNR. The marina was also the first to receive the "clean marina" rating in the state of Wisconsin. These are just few of many examples of what the marina provides to embrace the needs and desires of the general population.

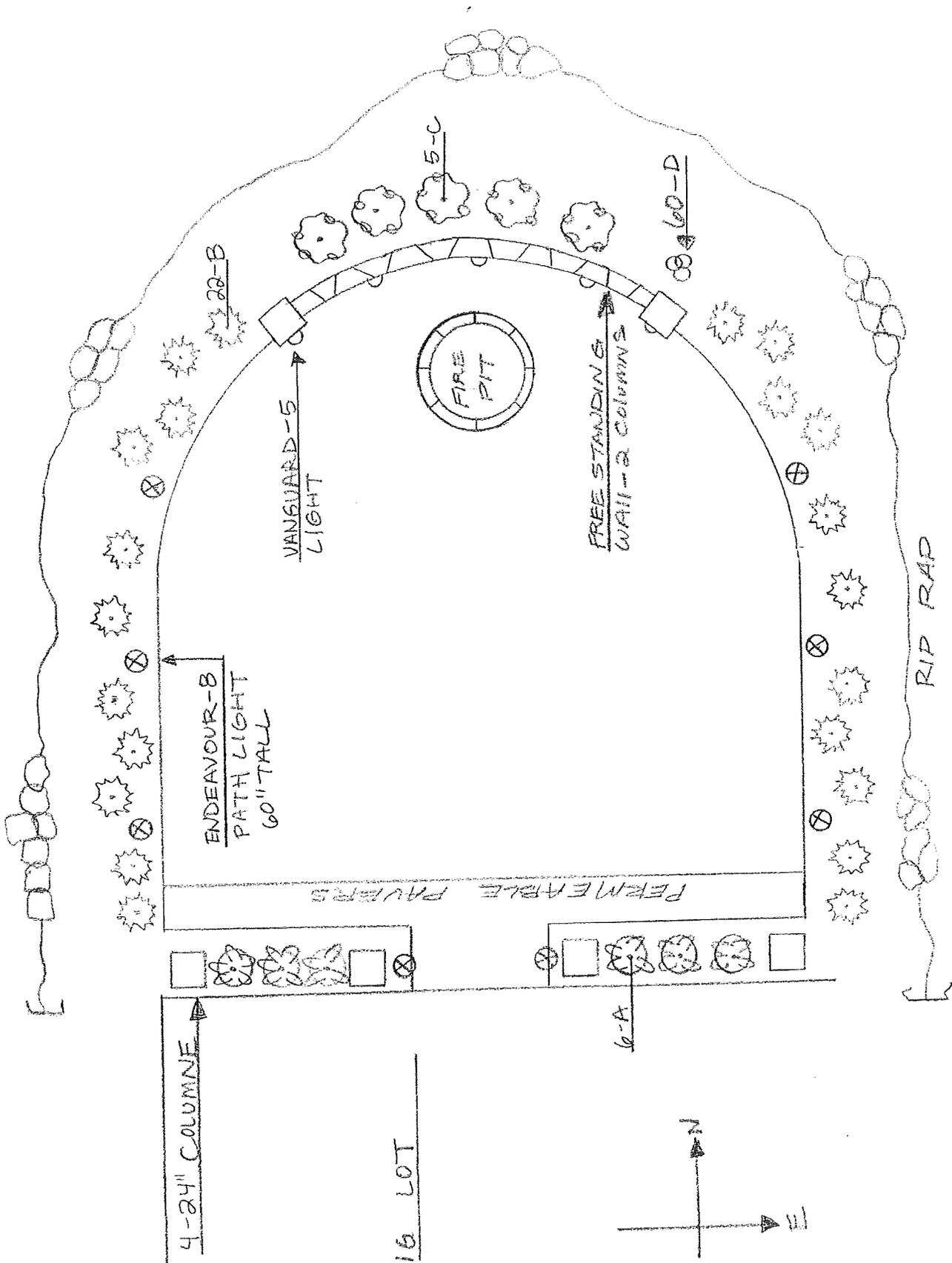
Respectfully submitted on behalf of the St.Croix Marina and Condominiums

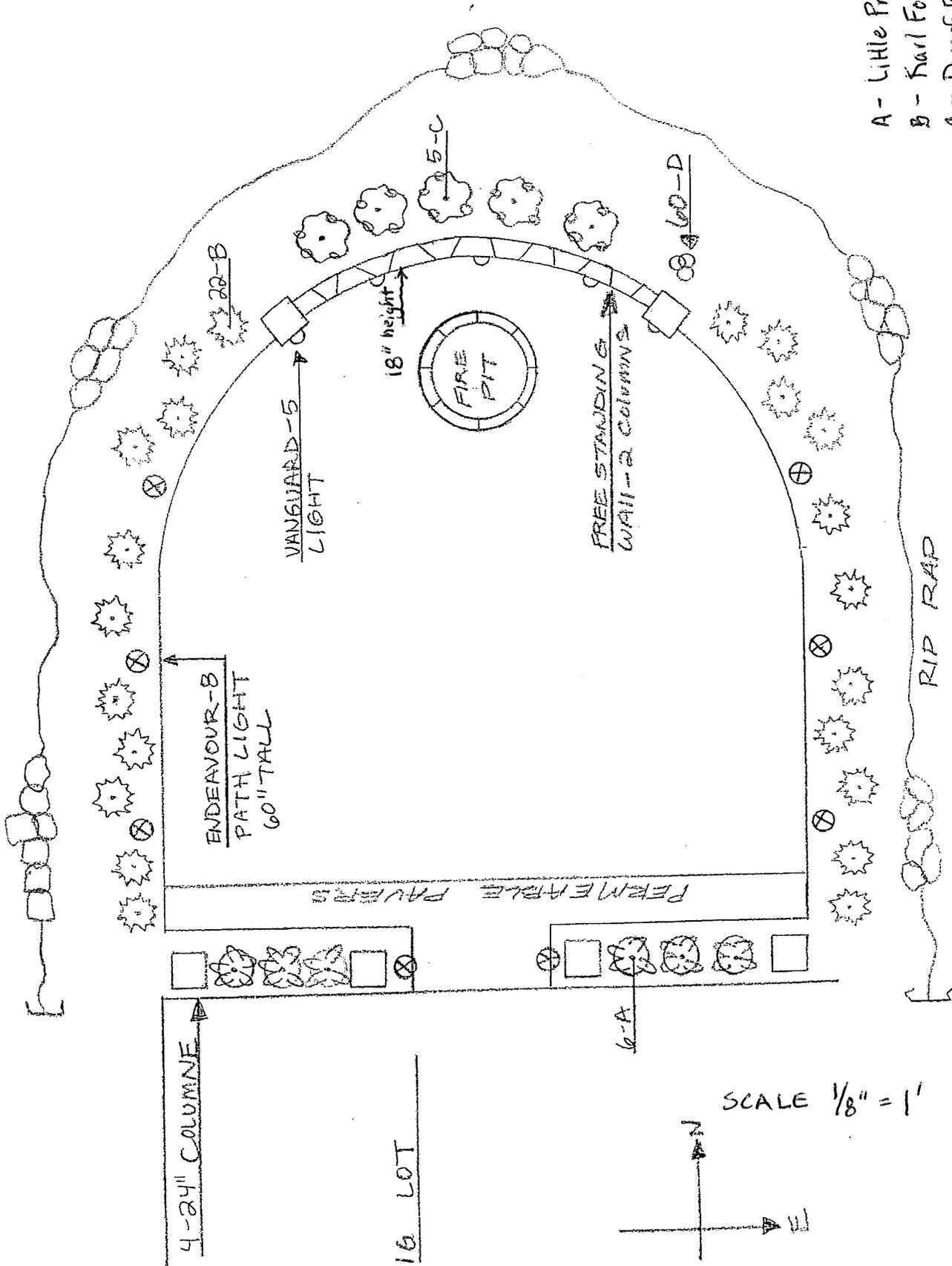


Bob Carlson, President, Board of Directors

Jeff Holmes, General Manager

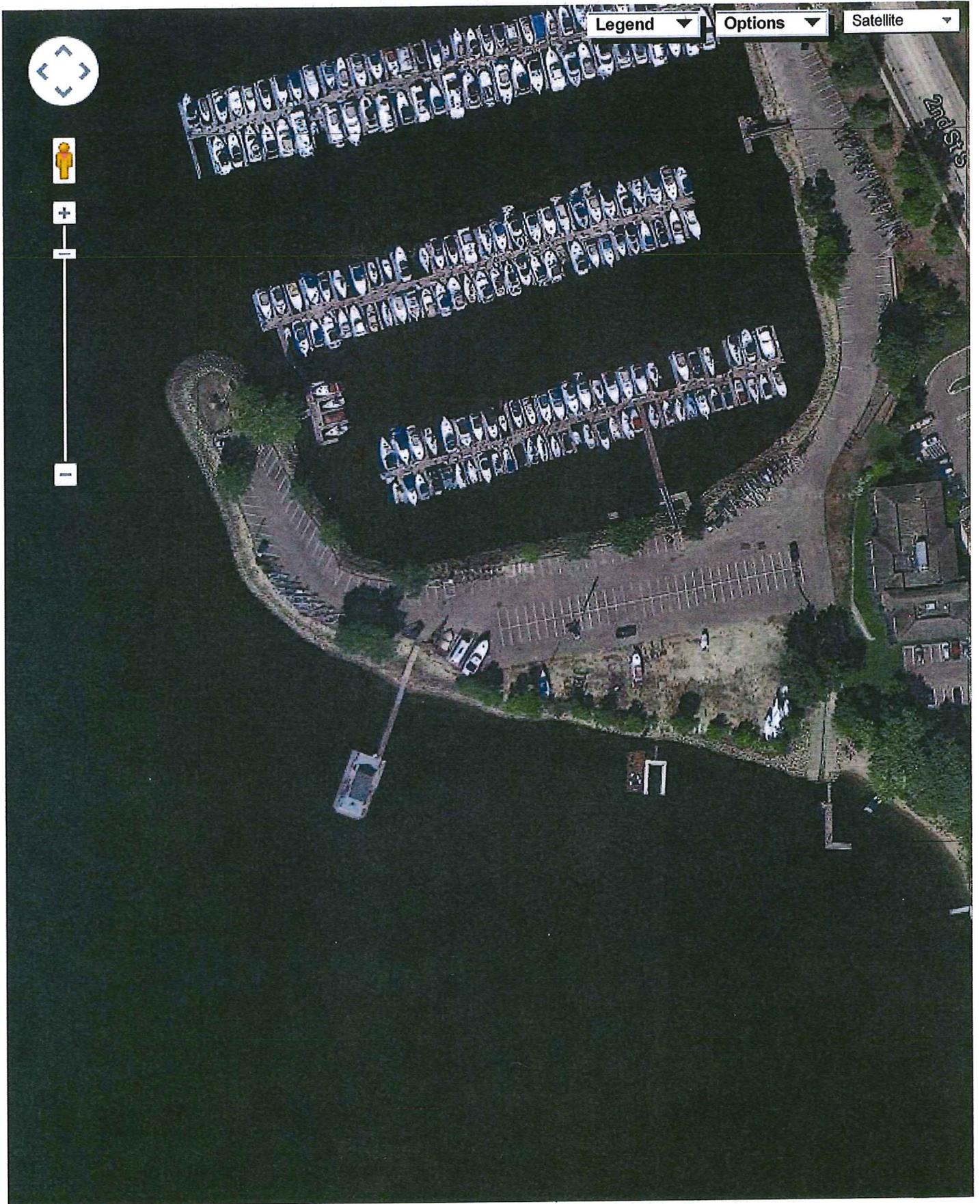
July 17, 2014

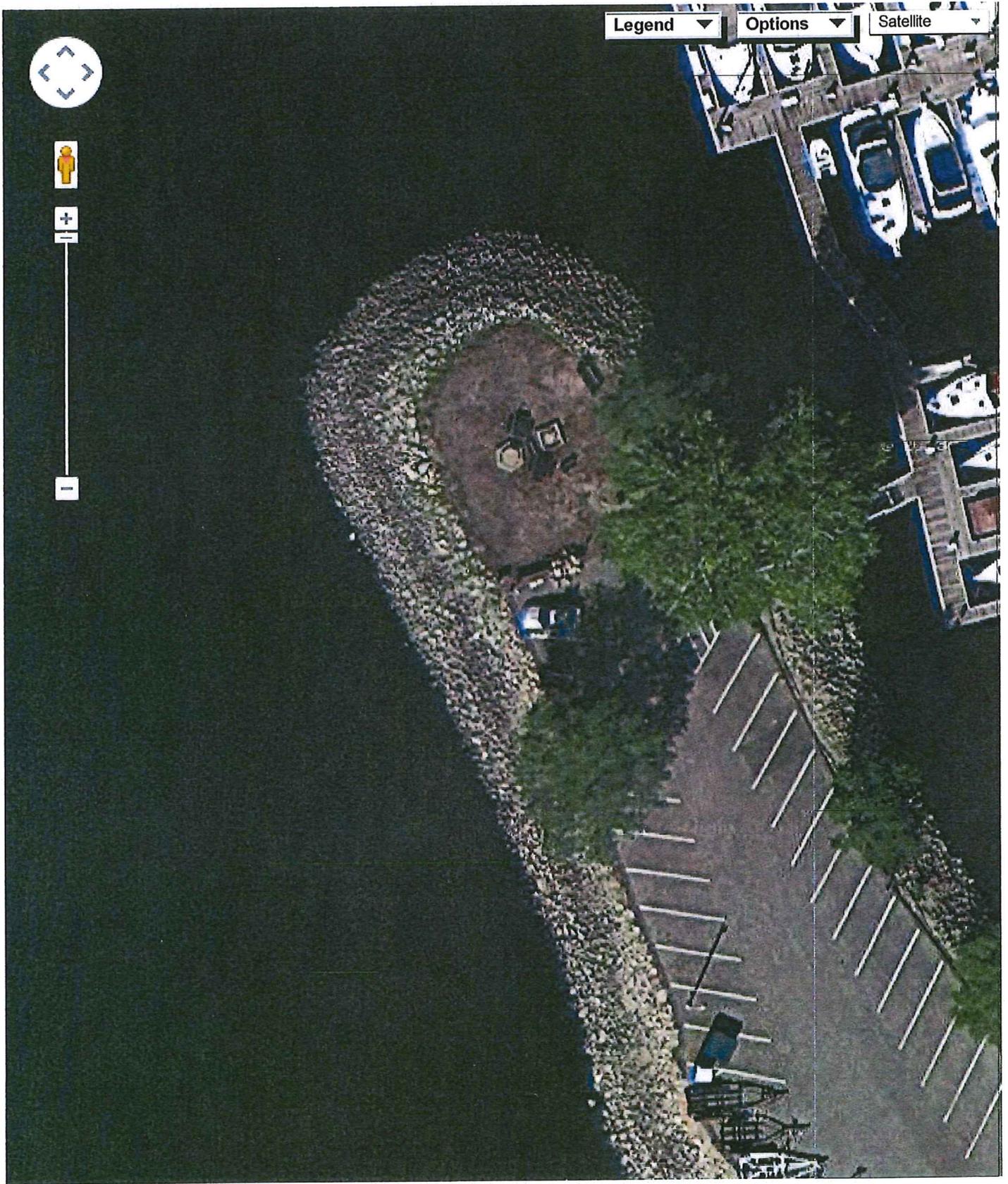




- A - Little Princess Spirea
- B - Karl Foerster Feather Reedgrass
- C - Dwarf Bush Honeysuckle
- D - Native perennials including  
Iris, Liatris,  
Coneflower and  
Beebalm

Added details to submission with application as per Denny Darnold's request.







THE "POINT"  
ST. CROIX MARINA  
CURRENT CONDITION



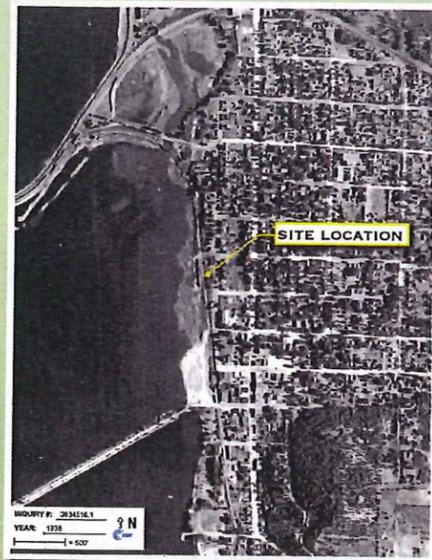
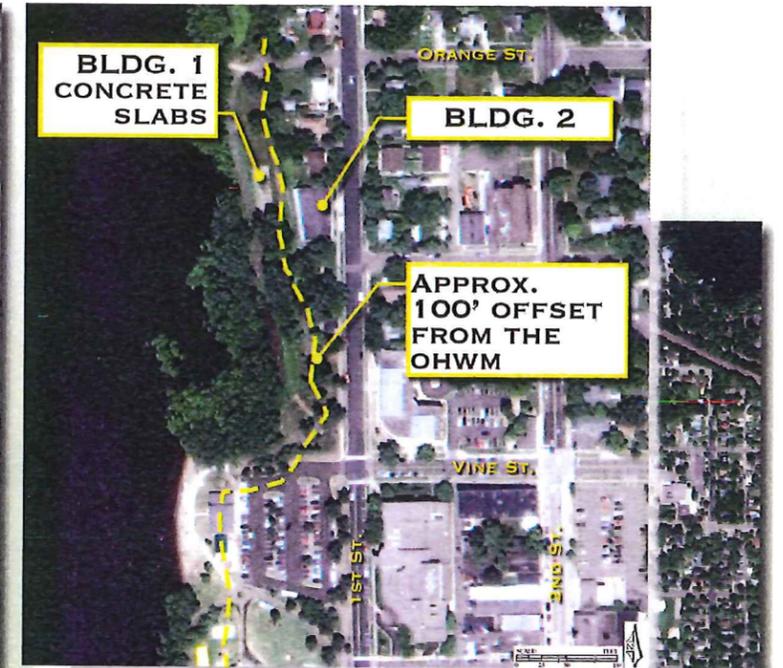
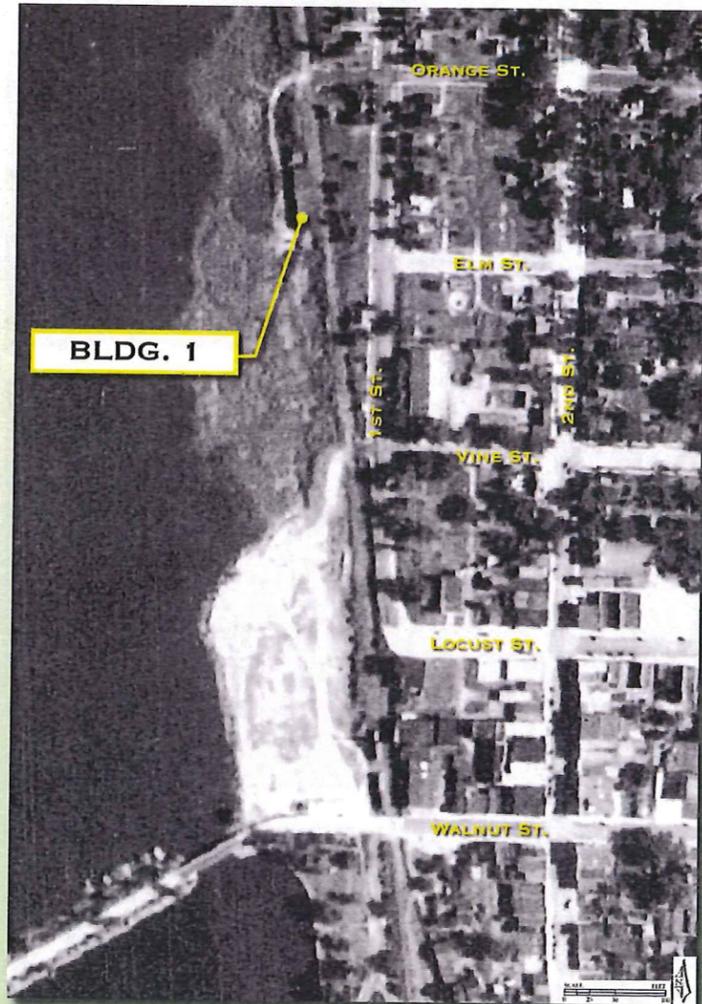
# THE PIER 800 SITE: PAST TO PRESENT

1938

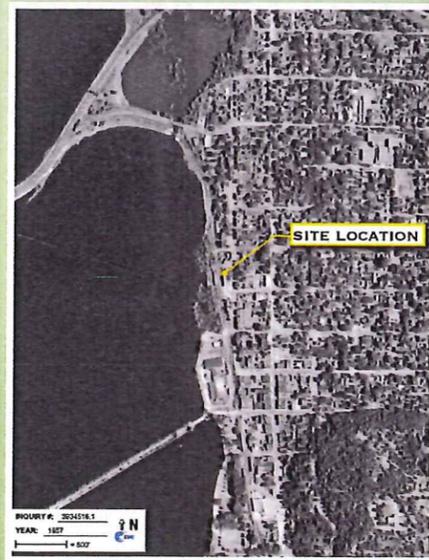
1957

1966

PRESENT



1938



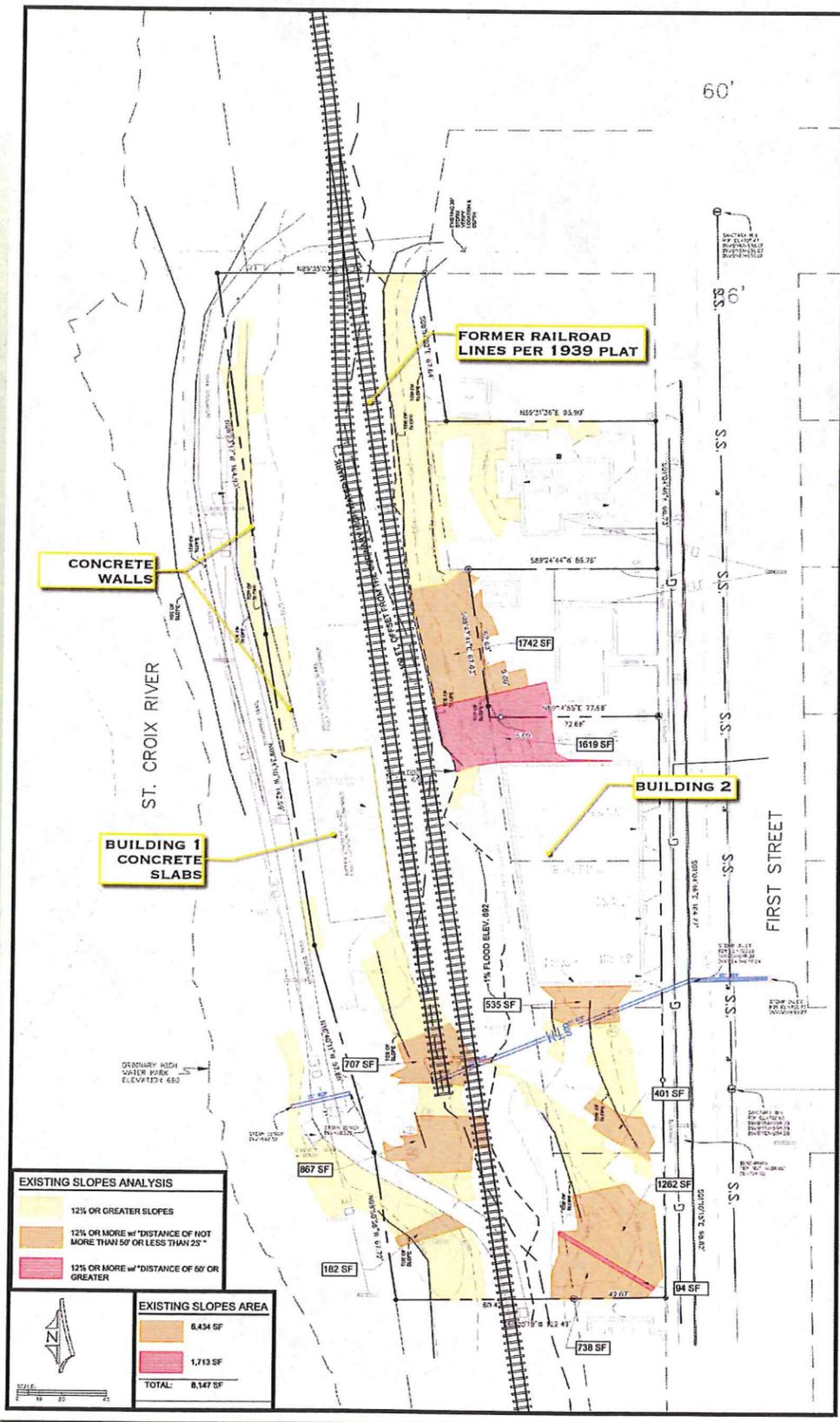
1957



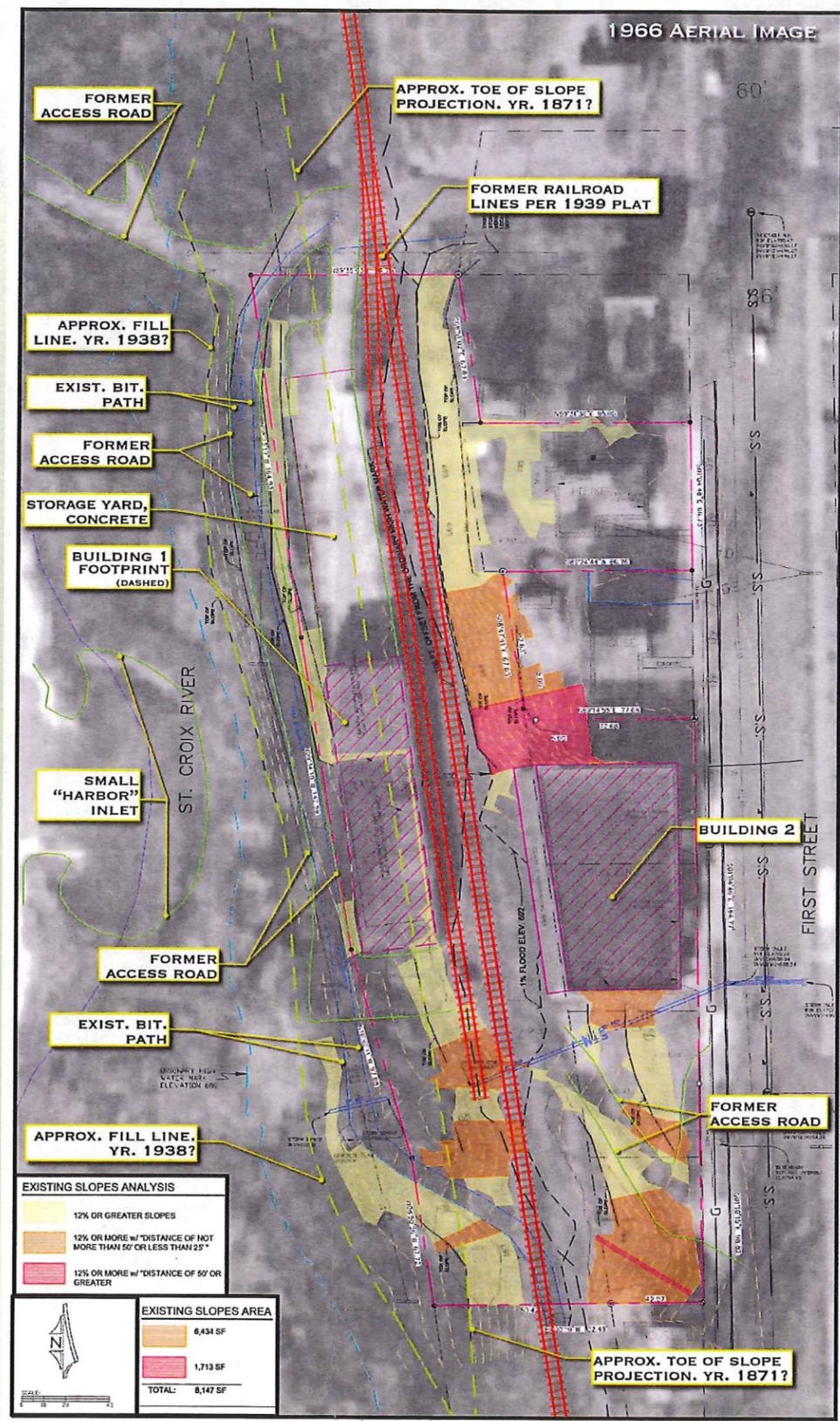
1966

# PIER 800 SITE: OVER 100 YRS. OF SITE DISTURBANCE & GRADING

## EXISTING SITE W/ SLOPE ANALYSIS



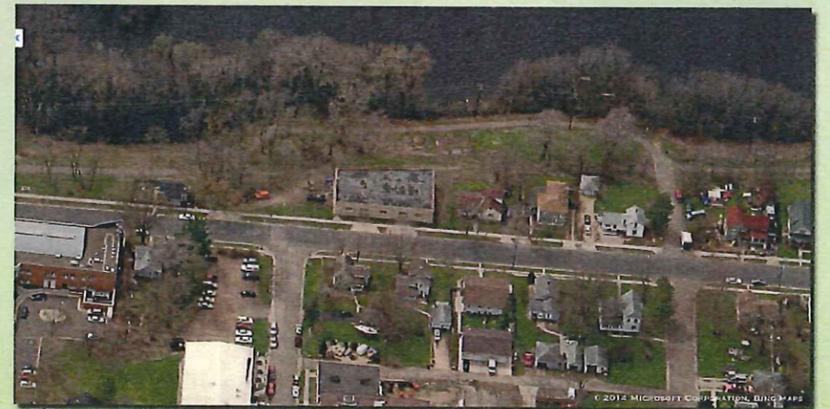
## EXISTING SITE W/ SLOPE ANALYSIS & PAST SITE DISTURBANCES / USES



AERIAL PERSPECTIVE LOOKING SOUTH



AERIAL PERSPECTIVE LOOKING NORTH



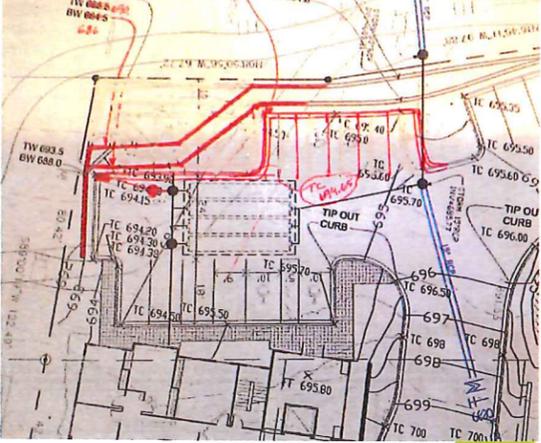
AERIAL PERSPECTIVE LOOKING WEST

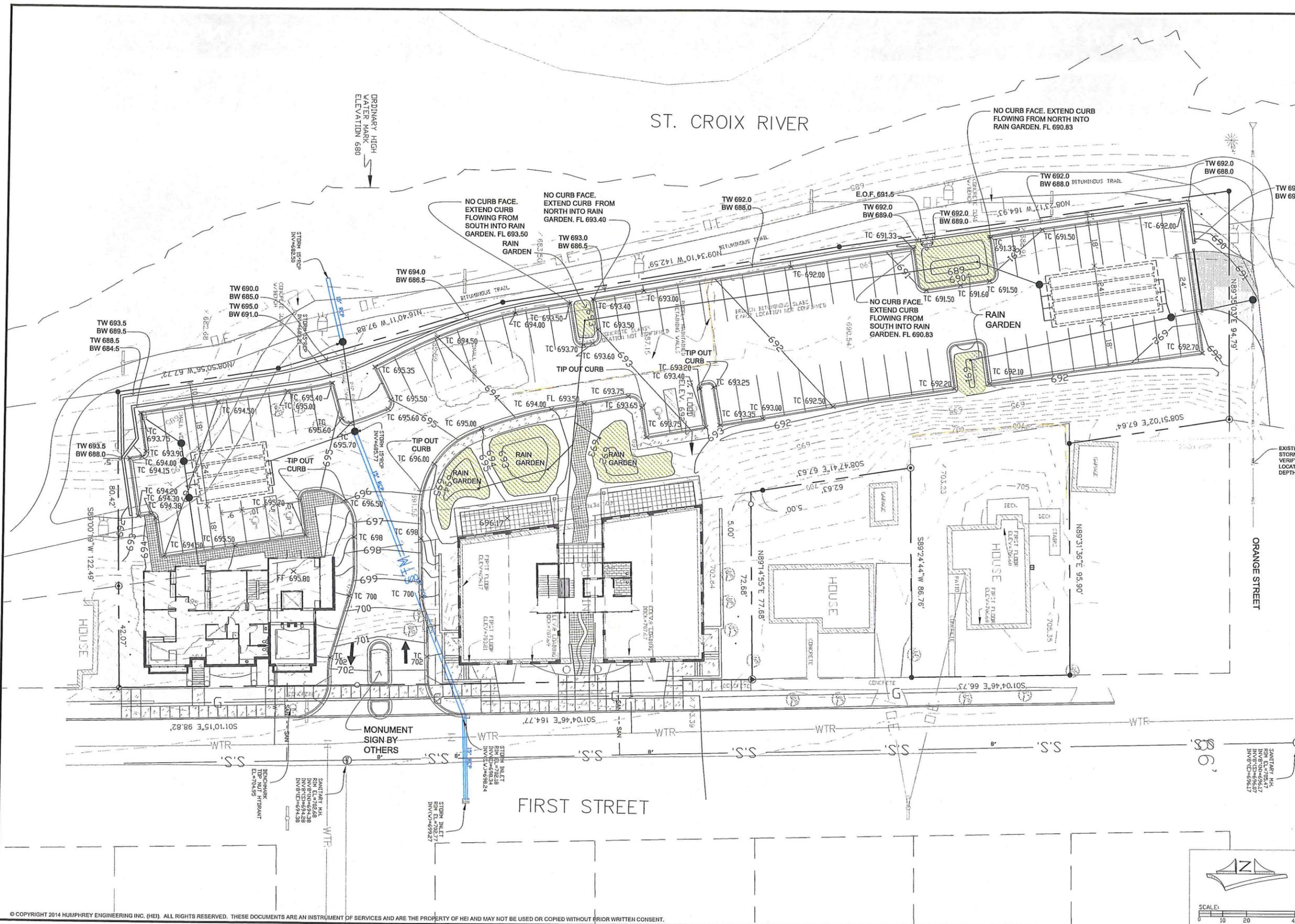


AERIAL PERSPECTIVE LOOKING EAST



# PIER 800 VARIANCE REQUEST: BASES FOR ACCEPTANCE

Scenic Riverway VARIANCE LANGUAGE	PAST, PRESENT CONDITIONS & PLANS: Application Summary by Owner/ application	Variance Application DNR STAFF OPINIONS	OWNER RESPONSES TO DNR OPINIONS & Mitigating Revision Options Available to Board, by OWNER	GRAPHICS • ILLUSTRATIONS
<p><b>UNNECESSARY HARDSHIP:</b></p> <p>Explain how literal enforcement of the code would unreasonably prevent you from using your property for your proposed use and why the standards in the code should not apply to your property.</p>	<p>1. The Property is a completely disturbed site of two, pre-1966 warehouses and 130 years of railroad and industrial uses.</p> <p>2. Property is adjacent to a mixed commercial-institutional &amp; transitional residential neighborhood, &amp; downtown area.</p> <p>3. Existing building &amp; surrounding land are now used for storage of automobiles and other aging equipment.</p> <p>4. Site &amp; Bldg. designs provide positive, balanced responses to the full array of Hudson Rivertown and Riverway Regulations.</p> <p>5. Requested Variances seek <u>minimal relief</u> for reasonable property use, and serve the intent of the City ordinances.</p> <p>6. Imposing the most rigid of rules interpretation, (meant to protect original, naturally occurring conditions), upon a site that has been completely human-made and amended, imposes a misplaced, severe and unreasonable hardship.</p> <p>7. Strict enforcement of the ordinance language, would become unnecessarily burdensome, would prevent any meaningful and reasonable use of the Property.</p>	<p><i>*Caruso/O'Neill Requests*</i></p> <p>Through conversations with Denny Darnold and review of the application packet and extensive site plans, the department has a solid understanding of the history of the site and what is being proposed.</p> <p>For clarity, and because of the significant differences in the requests across the property, comments are separated into two types: those dealing with the proposed driveway/entrance from First Street and all other structures north (North Requests), and the proposed structures south of the proposed driveway/entrance from First Street (South Requests).</p> <p>First, a general comment about the narrative explanations in the application for how the variance criteria are met. One of the primary arguments made in the narrative is that because the property was rezoned the only allowable use is office space, which requires parking. Comments were provided for that rezoning hearing that read, "The department's only comment regarding this request is to note that any future development on this property must meet the requirements of the City of Hudson **St. Croix River Wild and Scenic Riverway and Shoreland Protection Overlay District (Section 255-18, City of Hudson Municipal Code) and the Standards for the Lower St. Croix National Scenic Riverway (Chapter 118, Wis. Admin. Code)."</p> <p>Thus, some of the requests now made are in essence self-created hardships. Further, in reference to the proposal as a whole, only the minimum relief necessary for reasonable use of the property is to be granted. These issues should be considered in making decisions regarding these requests.</p>	<p>1. The property was subject to cuts, filling, full disturbance and developed over 100 years prior to creation of NR 118 in 1980.</p> <p>2. The unnecessary hardship arises from the imposition of the Ordinance, and the property's unique other conditions, subjecting it to other regulations as well.</p> <p>3. Zoning or rezoning did not create the hardship. Independent of use, no reasonable use is possible without variance.</p> <p>4. Financial hardship is not being used as a basis for a variance. However, NR 118 states that part of its purpose is "to maintain property values." Therefore, the economic impact of a variance request, on a city and neighborhood should not be ignored. Rather, maintenance of property values must be considered. The hurdle caused by the ordinance has the intent to discourage allowing or causing property to become and remain stagnant and dilapidated.</p>	
<p><b>UNIQUE PROPERTY LIMITATION:</b></p> <p>Describe the unique characteristics of your property with respect to the lot size, shape, topography and other physical limitations that make enforcement of the code impractical. Were any of the limitations created by you?</p>	<p>1. The Property is unique in that it has been repeatedly excavated and developed over time such that no natural area remains to be protected.</p> <p>2. The proposed plan for the Property is to restore natural beauty to the Property and create an attractive, functional space that contributes to the vitality and viability of the neighborhood, riverway and the City of Hudson. Based on the volume of excavation and activity on the Property, virtually no portion remains undisturbed.</p> <p>3. So, the state and city goals of preserving the natural environment of the Property was thwarted long ago when the river was considered a manufacturing thoroughfare.</p> <p>4. Impacts on the property were not created by the current landowner, but are factually, manmade. The slope limitations exist due to past human-created slopes.</p>	<p><i>*North* *Requests*</i></p> <p>The proposed renovation of the existing warehouse appears to meet all requirements of NR 118. The associated parking lot is largely within the 100-foot ordinary high water mark (OHWM) setback required under s. NR 118.06(1)(e)1, Wis. Admin. Code. The applicant must demonstrate meeting the three required variance criteria in order to be granted a variance.</p> <p>If the BBZA finds the applicants can demonstrate meeting the three required variance criteria and grant the variance for the North Requests, the department recommends the following be included as conditions or mitigation:</p> <ul style="list-style-type: none"> <li>- All runoff from the proposed building and parking area be captured and treated, as appears to be in the plans as rain gardens and stormwater chambers. These plans should be approved by the City, and include a maintenance schedule or plan.</li> <li>- All trees that are removed shall be replaced by trees that are at least one inch in circumference at the base, as per s. NR 118.06(6)(b)2, Wis. Admin. Code.</li> <li>- Filling and grading requirements under s. NR 118.07(5) be met.</li> <li>- Any lighting be designed to point down and minimize visual impact from the river.</li> <li>- Any other mitigation the City deems appropriate.</li> </ul>	<p>1. Wisconsin law recognizes that parcels in the Rivertown District are not subject to the same type of riverway protections as the more natural areas.</p> <p>2. The property itself is unique, compared to the neighboring properties, in size, shape, location, prior uses and existing use; with two railroad spurs, (unique to the non-city owned neighboring properties), was formally a industrial facility with multiple industrial buildings, concrete paved storage yards. And, the parcel is much larger than the neighboring properties.</p> <p>3. The site's uniqueness begins with Hudson's unique River Town Zone designation. One of only four Wisconsin communities so designated, Hudson has 59% of the total population of all the River Town Zones combined. It is the most urbanized Rivertown, with the most immediate river proximity.</p> <p>4. The slope preservation zones are small ( eight separate areas with an average of less than 1,000 sq. ft.), they are non-contiguous, man made, littered with bare soils and concrete debris and do not exceed 10,000 square feet in total. The vegetation is mainly urban grasses and nuisance trees.</p>	
<p><b>PROTECTION OF PUBLIC INTEREST:</b></p> <p>Explain what impact your project would have on adjacent properties and the general public so that protection of the public interest is maintained.</p>	<p>The best way to understand how the proposed project will protect the public interest is to revisit the purpose of Wisconsin Administrative Code NR 118, which is to "reduce the adverse effects of . . . poorly planned shoreline . . . development, . . . to maintain property values, and to preserve and maintain the exceptional scenic, cultural and natural characteristics of the water and related land of the Lower St. Croix riverway in a manner consistent with the national wild and scenic rivers act."</p> <p>1. Clearly, state laws and city ordinances recognize that preservation of the riverway must balance with improvement of real property to support and maintain the ongoing usefulness of the property.</p> <p>2. While the purpose of the ordinance is to protect natural areas and maintain the integrity of land adjoining the St. Croix River, it also calls for maintenance and improvement of existing areas of developed property.</p> <p>3. The existing building is unattractive and detracts from the neighborhood, the riverway and the Downtown.</p> <p>4. The project will clear the land of nuisance trees and overgrown vegetation and will provide an open, natural landscape that is attractive, open and pleasing to the eye. Individuals traveling along First Street and the walking path will be treated to a clean and environmentally attractive, compatible experience.</p>	<p><i>*South* *Requests*</i></p> <p>This portion of the property does have a significant number of trees and steep slopes, some of which are considered slope preservation zones. The requested work would require a good amount of fill, as the site generally slopes downhill from east to west, especially in the northwest corner of the property which is steeply sloped down, and was flooded this spring. Most of the proposed parking area is within the 100-foot ordinary high water mark (OHWM) setback required under s. NR 118.06(1)(e)1, Wis. Admin. Code.</p> <p>The department does not believe the applicant can demonstrate meeting the three required variance criteria for the proposed south building and associated parking lot. It does not appear that the property itself is unique from the neighboring properties, financial hardship due to economics of the development is not to be used as a justification for a variance, and as stated above this portion could be argued to be self-created. Finally, the department believes alternatives exist that would allow more minimal relief than what is being requested.</p> <p>For these reasons the department requests the South Requests be denied.</p> <p>Please note that these comments are in regard to shoreland zoning only, and do not reflect applicable erosion control, waterway permitting, or other department regulations.</p>	<p style="text-align: center;"><b>Mitigating Revision Options</b></p> <p>1. A purpose of the Riverway Ordinance is to protect natural areas; but not prevent Rivertown re-investment &amp; re-development. Absent the Variances, the subject property is denied reasonable, permitted uses under Hudson Ordinances.</p> <p>2. In response to the DNR's SW corner fill concerns, we are proposing a plan amendment... a Board-selectable option, staying above a 686 contour, (which is the lowest elevation of all plan-proposed grading). This reduces that amount of fill, per the DNR staffer's comment.</p> <p>3. Another plan option, (available for Board selection), is the deletion of 4 planned parking stalls from the SW corner.</p> <p>However, the Riverway Ordinance calls for reasonable accommodation of disabled persons (NR 118.09 (3)). And, any reasonable office use requires close-by parking. The unique topography, and these other factors, requires a balance.</p> <p>4. In the spirit and letter of the Ordinance, much focus is upon the appearance of buildings and improvements as seen from the centerline of the St. Croix River main channel. Being over 3000 ft. from this center line, the project will be largely invisible from the riverway centerline, even in a leaf-off season, and difficult to see from 1267 ft. from the center of the bay immediately in front of the building, under the typical leaf-on criteria.</p> <p>5. The property, as it exists today, is poorly planned. The existing building and other foundations are unattractive and detract from the neighborhood, the river way and the Downtown.</p> <p>6. Public Benefits Offered: The owner is willing to permit public use of the parking for non business hours, provided that overnight parking is restricted.</p>	



**GENERAL NOTES**

THE CURRENT EDITION OF THE WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION GOVERNS EXCEPT AS MODIFIED BY THE CITY OF HUDSON CODES, ORDINANCES, STANDARDS AND SPECIFICATIONS.

FURNISH, INSTALL, INSPECT, MAINTAIN AND REMOVE ALL NECESSARY TRAFFIC CONTROL SIGNAGE. ALL TRAFFIC CONTROL DEVICES AND SIGNAGE SHALL CONFORM TO ALL LOCAL, COUNTY AND STATE TRAFFIC CONTROL GUIDELINES, INCIDENTAL TO PROJECT.

THE EXISTING UTILITY INFORMATION SHOWN ON THESE DRAWINGS IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTACT DIGGERS HOTLINE (800-242-8511) FOR THE LOCATION OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, VALVES, MANHOLES, OR OTHER BURIED STRUCTURES BEFORE DIGGING. REPAIR ANY OF THE ABOVE WHICH ARE REMOVED OR DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

THE EXACT LOCATION OF ALL UTILITIES AND UTILITY CONNECTIONS MUST BE VERIFIED PRIOR TO COMMENCING WORK. LOCATE, FIELD VERIFY AND PROTECT ALL EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO START OF SITE CONSTRUCTION. IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLAN.

SECURE ALL NECESSARY PERMITS AND NOTIFY ALL UTILITY COMPANIES WITH UTILITIES ON SITE PRIOR TO THE CONSTRUCTION OF THE PROJECT. ADHERE TO ALL APPLICABLE LOCAL, STATE, AND/OR FEDERAL LAWS FOR ANY COST INCURRED DUE TO THE DAMAGE OF SAID UTILITIES.

EXISTING SURVEY INFORMATION PROVIDED BY S&N LAND SURVEYING. EXISTING TOPOGRAPHIC INFORMATION PROVIDED BY S&N LAND SURVEYING. WETLAND DELINEATION PROVIDED BY S&N LAND SURVEYING. BUILDING FOOTPRINT PROVIDED BY HAF GROUP, HUMPHREY ENGINEERING INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.

**GRADING NOTES**

USE ONLY SUITABLE MATERIAL AS APPROVED BY THE ENGINEER FOR BUILDING PAD AND STREET CONSTRUCTION. REMOVE UNSUITABLE AND UNSTABLE MATERIALS INCLUDING BUT NOT LIMITED TO TOPSOIL, ORGANIC MATERIAL, AND DEBRIS FROM THE BUILDING PAD AND STREET AREAS. COMPACT THE UPPER 3 FEET OF EMBANKMENT IN THE STREET TO 100% OF THE STANDARD PROCTOR DENSITY. COMPACT STREET EMBANKMENTS BELOW THE UPPER 3 FEET AND BUILDING FOUNDATIONS TO NO LESS THAN 95% OF THE STANDARD PROCTOR DENSITY.

BACKFILL ALL BELOW GRADE EXCAVATIONS IMMEDIATELY UPON REMOVAL OF THE UNSUITABLE SOILS. BACKFILL EXCAVATIONS ADJACENT TO EXISTING PAVEMENTS PROMPTLY TO AVOID UNDERMINING OF THE EXISTING PAVEMENT.

SALVAGE AND PROVIDE A MINIMUM DEPTH OF 4-INCHES OF TOPSOIL TO ALL AREAS DISTURBED BY CONSTRUCTION.

CONTRACTOR IS RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL ONCE THE ALIGNMENT HAS BEEN ESTABLISHED BY THE SURVEYOR. ADDITIONAL COST FOR RESTAKING AND/OR REPLACING DAMAGED STAKES IS THE RESPONSIBILITY OF THE CONTRACTOR.

PROVIDE ALL SOIL TESTING AT INTERVALS NO LESS THAN EVERY 500' AND ADDITIONAL TESTING DEEMED NECESSARY BY THE CITY OR ENGINEER WITH NO ADDITIONAL COMPENSATION.

THE SPECIFIED DENSITY METHOD OF COMPACTION IS REQUIRED FOR ALL PORTIONS OF PERMANENT CONSTRUCTION. STANDARD COMPACTION IS REQUIRED FOR ANY TEMPORARY CONSTRUCTION.

DISPOSE OF ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, REMOVED UTILITY ITEMS AND OTHER UNSUITABLE MATERIALS OFF THE CONSTRUCTION SITE IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, UNLESS OTHERWISE SPECIFIED.

INSTALL CONSTRUCTION FENCE AROUND ALL INFILTRATION AREAS TO PROTECT UNDERLYING SOILS FROM BECOMING COMPACTED DURING CONSTRUCTION. THE CONTRACTOR WILL BE REQUIRED TO MITIGATE ALL SOIL COMPACTION WITHIN THE INFILTRATION AREAS RESULTING FROM CONSTRUCTION ACTIVITIES AT NO ADDITIONAL COST TO THE PROJECT.

PROPOSED SPOT ELEVATIONS AND CONTOURS ARE TO FINISHED GRADE, PAVEMENT SURFACE OR TOP OF CURB, UNLESS OTHERWISE SPECIFIED.

NOTIFY THE CITY OF HUDSON, PUBLIC WORKS DEPARTMENT, 48 HOURS IN ADVANCE OF WORKING WITHIN THE RIGHT OF WAY. CITY OF HUDSON INSPECTORS MUST OBSERVE ALL WORK COMPLETED, INCLUDING THE REMOVAL OF EXISTING CURB & GUTTER, EXCAVATION OF TRENCHES, PLACEMENT OF STORM DRAIN CONNECTIONS TO EXISTING UTILITY LINES, BACKFILLING AND REPLACEMENT OF BITUMINOUS PAVEMENT AND/OR CONCRETE CURB AND GUTTER.

COMPLETE ALL PROPOSED STREET CONSTRUCTION USING APPROVED MATERIALS, METHODS OF PLACEMENT AND TESTING AS REQUIRED BY ALL GOVERNING SPECIFICATIONS.

CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ALL SURVEY MONUMENTS AND/OR PROPERTY IRONS ON AND ADJACENT TO THIS SITE.

REPAIR ALL DAMAGE TO EXISTING FACILITIES RESULTING FROM CONSTRUCTION ACTIVITIES AT NO COST TO THE OWNER.

PROVIDE A SMOOTH AND THOROUGH TRANSITION BETWEEN PROPOSED SITE GRADES AND DRAINAGE WAYS AND EXISTING SURROUNDING SITE GRADES AND DRAINAGE WAYS.

RIPRAP SHALL BE D50 = 12", UNLESS OTHERWISE SPECIFIED.

ALL CURB AND GUTTER SHALL BE CONCRETE, UNLESS OTHERWISE SPECIFIED. SEE DETAIL.

WRITTEN DIMENSIONS PREVAIL OVER SCALED DIMENSIONS.

1' VERTICAL CONTOUR INTERVAL, N.G.V.D. VERTICAL DATUM.

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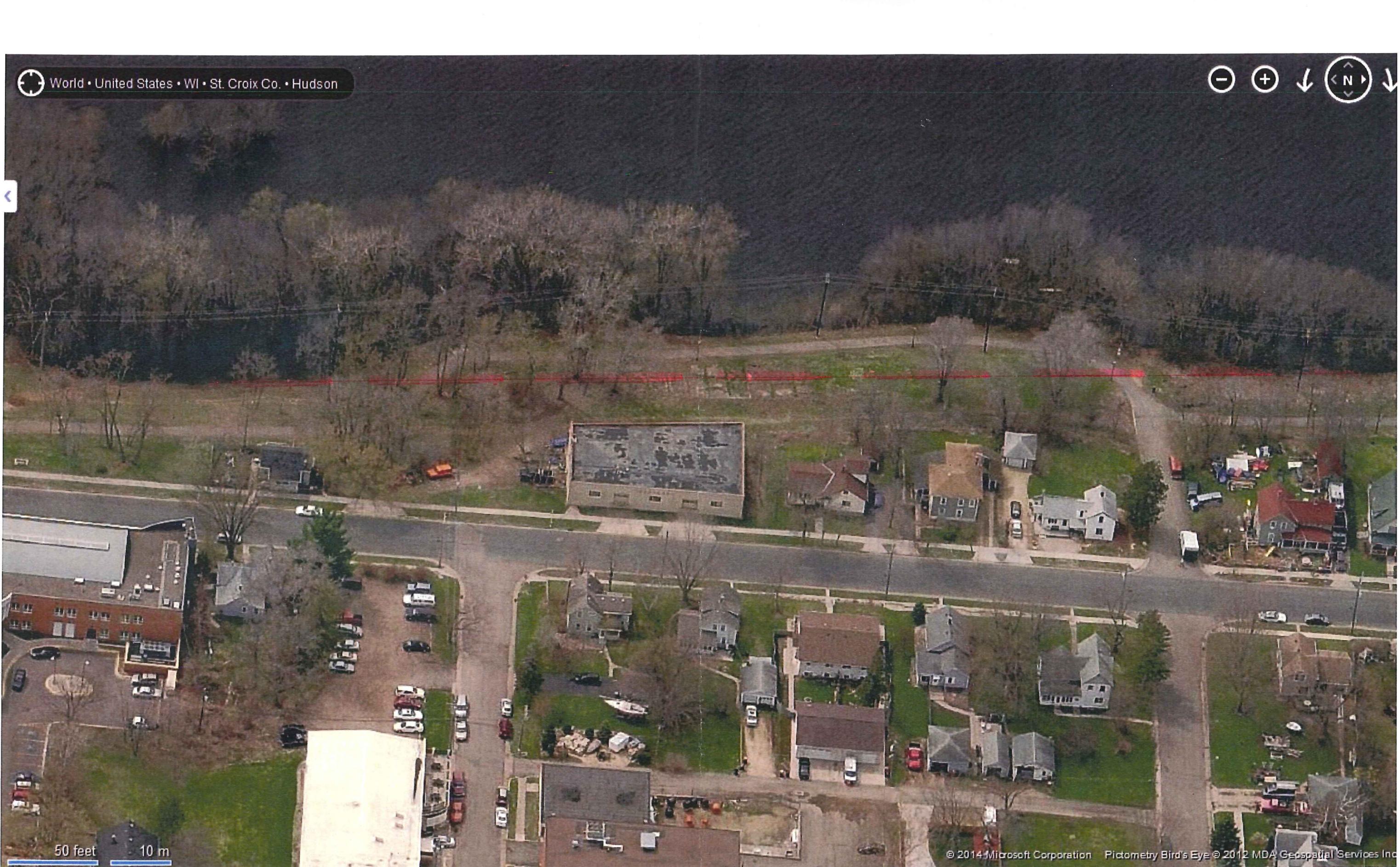
CLIENT INFORMATION:  
**Jennifer A. O'Neill**  
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 Hudson, WI 54016

REVISIONS:	No:	Date:	Description:
	001	03.19.14	Released for Review

  
**HUMPHREY ENGINEERING**  
 Engineers - Land Surveyors - Planners  
 P.O. BOX 36 • Woodville, WI 54028  
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PROJECT NAME AND LOCATION:  
**PIER 800**  
**HUDSON OFFICE BUILDINGS**  
 811 FIRST STREET  
 HUDSON, WI  
 SHEET TITLE  
**GRADING PLAN**

PROJECT NO:	549-001
DRAWN BY:	RM
CHECKED BY:	RH
DATE:	3-19-2014
SHEET:	<b>C2.2</b>



50 feet 10 m

